

MEMO

DATE: March 3, 2005

TO: The Regional Council
The Community Economic and Human Development Committee
The Energy and Environment Committee
The Transportation and Communications Committee (TCC)

FROM: Charlotte Pienkos, Government Affairs Analyst
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SUBJECT: State and Federal Legislative Matrix

Since the February 3rd meetings of the Regional Council and the policy committees, bill introduction in Sacramento has proceed at the slower, more circumspect pace not unusual in the first year of a two-year session. As of this writing on February 10th, SCAG is monitoring just 37 newly introduced state bills. The pace of bill introduction will hasten prior to the February 18th deadline. On the horizon, Spring Recess begins on March 17th. The Legislature will reconvene on March 29th.

On the federal level, the Public-Private Transportation Infrastructure Reinvestment Act of 2005 was proposed in Congress by Representative Sam Graves (R-6th) of Missouri (no number has been assigned at this writing). The proponents of the measure believe viable transportation infrastructure projects are waiting for money at the same time private sources of money are looking for investment opportunities. Matching private funds to public projects, however, is not simple.

Public authorities wishing to work with private investors face barriers. Current law and practice in public transportation programs create an institutional bias against private participation. For example, current rules on intermingling public and private funds exercise a serious restraint on efforts by public authorities to finance much-needed public transportation projects with innovative financing.

As more information on Congressman Graves' bill becomes available, Government Affairs will bring it forward for consideration.

In other federal legislation, the Water Policy Task Force considered at its February 10th meeting HR 18 (Baca), the Southern California Groundwater Remediation Act. HR 18 makes grants available for groundwater clean up and other activities within the Santa Ana River basin. The EEC will consider HR 18 at its meeting.

Private file: Transportation

CA AB 53

AUTHOR: Negrete McLeod (D)
TITLE: State Agency Consolidation
FISCAL COMMITTEE: no
URGENCY CLAUSE: no
LOCATION: ASSEMBLY
CODE SECTION:

An act relating to state government.

SUMMARY:

Declares the Legislature's intent to build upon efforts to eliminate governmental waste and inefficiency, consolidate 5 separate state agencies into a single entity with specified responsibilities, create an Office of Management and Budget with responsibility for the state's fiscal affairs, personnel management, and procurement systems, and consolidate the Teale Data Center and the Health and Human Service Data Center.

DIGEST:

LEGISLATIVE COUNSEL'S DIGEST

AB 53, as introduced, Negrete McLeod. State agency consolidation.

Existing law requires state agencies to conduct ongoing performance reviews to, among other things, reduce the costs of state government and plan for the effective administration of government programs.

This bill would declare the Legislature's intent to build upon efforts to, eliminate governmental waste and inefficiency, consolidate 5 separate state agencies into a single entity with specified responsibilities, create an Office of Management and Budget with responsibility for the state's fiscal affairs, personnel management, and procurement systems, and consolidate the Teale Data Center and the Health and Human Services Data Center.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

STATUS:

12/06/2004 INTRODUCED.

COMMENTARY:

Relates to CPR

Subject: Transport

CA AB 189

AUTHOR: Horton S (R)
TITLE: HOT Lanes: Demonstration Projects
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
LOCATION: Assembly Transportation Committee
CODE SECTION:

An act to amend Section 149.4 of the Streets and Highways Code, relating to transportation.

SUMMARY:

Relates to existing law which authorizes the San Diego Association of Governments (SANDAG) to conduct, administer, and operate a value pricing and transit development program on transportation corridors in San Diego County, under which single-occupant vehicles may use a designated HOV lane at certain times of day upon obtaining a permit and paying a fee, otherwise known as a "high-occupancy toll (HOT) lane." Expands the number of authorized SANDAG HOT lane demonstration projects from 2 to 3.

DIGEST:

LEGISLATIVE COUNSEL'S DIGEST

AB 189, as introduced, Shirley Horton. HOT lanes: demonstration projects.

Existing law authorizes the Department of Transportation or local agencies with respect to highways under their jurisdiction to designate certain lanes for exclusive use by high-occupancy vehicles (HOVs). Existing law also authorizes the San Diego Association of Governments (SANDAG) to conduct, administer, and operate a value pricing and transit development program on 2 transportation corridors in San Diego County, under which single-occupant vehicles may use a designated HOV lane at certain times of day upon obtaining a permit and paying a fee, otherwise known as a "high-occupancy toll (HOT) lane."

This bill would expand the number of authorized SANDAG HOT lane demonstration projects

from 2 to 3.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

STATUS:

01/26/2005

INTRODUCED.

01/31/2005

To ASSEMBLY Committee on TRANSPORTATION.

Subject:

Revenue/Bond, Transport

CA AB 209

AUTHOR:

Plescia (R)

TITLE:

Transportation Systems: Alternative Financing Methods

LOCATION:

ASSEMBLY

CODE SECTION:

An act to amend Section 132001 of the Public Utilities Code, relating to transportation.

SUMMARY:

Makes nonsubstantive changes to findings under the the San Diego County Regional Transportation Commission Act.

DIGEST:

LEGISLATIVE COUNSEL'S DIGEST

AB 209, as introduced, Plescia. Transportation systems: alternative financing methods.

Existing law, the San Diego County Regional Transportation Commission Act, creates the San Diego County Regional Transportation Commission that is authorized, upon approval of the voters, to impose an ordinance levying a retail transaction and use tax for transportation purposes. The Legislature has made certain findings under this act regarding the commission's functions.

This bill would make nonsubstantive changes to these findings.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

STATUS:

01/31/2005

INTRODUCED.

Subject:

Revenue/Bond, Transport

CA AB 236

AUTHOR:

Bermudez (D)

TITLE:

Sales and Use Taxes: Exemptions: Fuel and Petroleum

FISCAL COMMITTEE:

yes

URGENCY CLAUSE:

no

LOCATION:

ASSEMBLY

CODE SECTION:

An act to add and repeal Section 6357.7 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

SUMMARY:

Exempts from state taxes the gross receipts in excess of \$0.632 per gallon derived from the sale in the state of, and the storage, use, or other consumption in the state of, fuel and petroleum products sold to or purchased by an air common carrier on a domestic flight.

DIGEST:

LEGISLATIVE COUNSEL'S DIGEST

AB 236, as introduced, Bermudez. Sales and use taxes: exemptions: fuel and petroleum products: air common carriers.

The Sales and Use Tax Law imposes a tax on the gross receipts from the sale in this state of, or the storage, use, or other consumption in this state of, tangible personal property. That law provides various exemptions from that tax, including an exemption for the gross receipts from the sale of, and the storage, use, or other consumption of, fuel and petroleum products sold to an air common carrier for immediate consumption or shipment in the conduct of its business on an international flight.

This bill would, for calendar years beginning on or after January 1, 2006, and before January 1, 2010, exempt from those state taxes the gross receipts in excess of \$0.632 per gallon derived from the sale in this state of, and the storage, use, or other consumption in this state of, fuel and petroleum products sold to or purchased by an air common carrier on a domestic flight, as specified.

This bill would also require the State Board of Equalization, beginning on January 1, 2007, and annually thereafter, to submit a report to the Legislature setting forth the state fiscal impact of the exemption.

Section 2230 of the Revenue and Taxation Code provides that the state will reimburse counties and cities for revenue losses caused by the enactment of sales and use tax exemptions.

This bill would provide that, notwithstanding Section 2230 of the Revenue and Taxation Code, no appropriation is made and the state shall not reimburse local agencies for sales and use tax revenues lost by them pursuant to this bill.

This bill would take effect immediately as a tax levy.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

STATUS:

02/07/2005

INTRODUCED.

Subject:

Transport

CA AB 245

AUTHOR:

Walters (R)

TITLE:

County Design-Build Contracts

FISCAL COMMITTEE:

yes

URGENCY CLAUSE:

no

LOCATION:

ASSEMBLY

CODE SECTION:

An act to add and repeal Section 20133.5 of the Public Contract Code, relating to public contracts.

SUMMARY:

Authorizes Orange County, until December 1, 2008, to enter into design-build contracts.

DIGEST:

LEGISLATIVE COUNSEL'S DIGEST

AB 245, as introduced, Walters. County design-build contracts.

Existing law requires public entities to comply with certain procedures in soliciting and evaluating bids and awarding contracts for the erection, construction, alteration, repair, or improvement of any public structure, building, road, or other public improvement. Existing law authorizes specified state agencies, cities, and counties to implement alternative procedures for the awarding of contracts on a design-build basis. Existing law also authorizes, until January 1, 2006, certain counties to enter into design-build contracts, as defined, according to specified procedures.

This bill would additionally authorize Orange County, until December 1, 2008, to enter into design-build contracts, as provided.

This bill would make legislative findings and declarations as to the necessity of a special statute.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

STATUS:

02/07/2005

INTRODUCED.

Subject:

LocGov, Transport

CA AB 267

AUTHOR:

Daucher (R)

TITLE:

Transportation Projects

LOCATION:

ASSEMBLY

CODE SECTION:

An act to amend Section 14529.17 of the Government Code, relating to transportation.

SUMMARY:

Relates to existing law which authorizes a regional or local entity that is the sponsor of, or is eligible to receive funding for, a project contained in the state transportation improvement program to expend its own funds for any component of a project within its jurisdiction that is included in an adopted state transportation improvement program, and for which the commission has not made an allocation. Limits these provisions, as specified.

DIGEST:

LEGISLATIVE COUNSEL'S DIGEST

AB 267, as introduced, Daucher. Transportation projects.

Existing law authorizes a regional or local entity that is the sponsor of, or is eligible to receive funding for, a project contained in the state transportation improvement program to expend its own funds for any component of a project within its jurisdiction that is included in an adopted state transportation improvement program, and for which the commission has not made an allocation. Existing law requires these expenditures to be reimbursed by the state, under specified conditions. Existing law limits these provisions to projects advanced for expenditures by an eligible local or regional entity within the 12 months preceding the date the project would otherwise be allocated funding by the commission.

This bill would instead limit these provisions to projects advanced for expenditure by an eligible local or regional entity within the 36 months preceding the date the project would otherwise be allocated funding by the commission, and would make this provision retroactive to include expenditures after July 1, 2004.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

STATUS:

02/08/2005

INTRODUCED.

Subject:

Revenue/Bond, Transport

CA ACA 4

AUTHOR:

Plescia (R)

TITLE:

Transportation Investment Fund

FISCAL COMMITTEE:

no

URGENCY CLAUSE:

no

LOCATION:

ASSEMBLY

CODE SECTION:

A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 1 of Article XIX B thereof, relating to transportation.

SUMMARY:

Proposes an amendment to the Constitution that relates to existing law which requires that sales taxes on motor vehicle fuel that are deposited into the General Fund be transferred to the Transportation Investment Fund. Deletes the provision authorizing the Governor and the Legislature to suspend the transfer of revenues from the General Fund to the Transportation Investment Fund for a fiscal year during a fiscal emergency.

DIGEST:

LEGISLATIVE COUNSEL'S DIGEST

ACA 4, as introduced, Plescia. Transportation Investment Fund

Article XIX B of the California Constitution requires, commencing with the 2003-04 fiscal year, that sales taxes on motor vehicle fuel that are deposited into the General Fund be transferred to the Transportation Investment Fund for allocation to various transportation purposes. Article XIX B authorizes this transfer to the Transportation Investment Fund to be suspended in whole or in part for a fiscal year during a fiscal emergency pursuant to a proclamation by the Governor and the enactment of a statute by a 2/3 vote in each house of the Legislature if the statute does not contain any unrelated provision. This measure would delete the provision authorizing the Governor and the Legislature to suspend the transfer of revenues from the General Fund to the Transportation Investment Fund for a fiscal year during a fiscal emergency. Vote: 2/3. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

STATUS:

12/06/2004

INTRODUCED.

Subject:

Revenue/Bond, Transport

CA ACA 9

AUTHOR:

Bogh (R)

TITLE:

Motor Vehicle Fuel Sales Tax Revenue

LOCATION:

ASSEMBLY

CODE SECTION:

A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending subdivision (d) of Section 1 of Article XIX B thereof, relating to transportation.

SUMMARY:

Changes the vote requirement to 4/5 of the membership of each house of the Legislature in order to enact a statute suspending in whole or in part the transfer of motor vehicle fuel sales tax

revenue from the General Fund to the Transportation Investment Fund.

DIGEST:

LEGISLATIVE COUNSEL'S DIGEST

ACA 9, as introduced, Bogh. Motor vehicle fuel sales tax

revenue. Existing provisions of the California Constitution require that sales taxes on motor vehicle fuel that are deposited into the General Fund be transferred to the Transportation Investment Fund and used for transportation purposes, but allow the transfer of these revenues to be suspended in whole or in part for a fiscal year under specified circumstances by a statute enacted by a 2/3 vote of the membership of each house of the Legislature. This measure would change the vote requirement to 4/5 of the membership of each house of the Legislature in order to enact a statute suspending in whole or in part the transfer of this particular revenue from the General Fund to the Transportation Investment Fund. Vote: 2/3. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

STATUS:

01/24/2005

INTRODUCED.

Subject:

Revenue/Bond, Transport

CA SB 32

AUTHOR:

Alarcon (D)

TITLE:

Los Angeles County Regional Airport Authority

FISCAL COMMITTEE:

no

URGENCY CLAUSE:

no

LOCATION:

Senate Rules Committee

CODE SECTION:

An act relating to the Los Angeles County Regional Airport Authority.

SUMMARY:

Declares the intent of the Legislature to establish the Los Angeles County Regional Airport Authority.

DIGEST:

LEGISLATIVE COUNSEL'S DIGEST

SB 32, as introduced, Alarcon. Los Angeles County Regional Airport Authority.

This bill would declare the intent of the Legislature to establish the Los Angeles County Regional Airport Authority.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

STATUS:

12/09/2004

INTRODUCED.

01/27/2005

To SENATE Committee on RULES.

Subject:

Transport

CA SB 45

AUTHOR:

Alarcon (D)

TITLE:

Intermodal Marine Terminals

FISCAL COMMITTEE:

no

URGENCY CLAUSE:

no

LOCATION:

Senate Transportation and Housing Committee

CODE SECTION:

An act to add Chapter 28.5 (commencing with Section 22928) to Division 8 of the Business and Professions Code, relating to transportation.

SUMMARY:

Prohibits an intermodal marine equipment provider or marine terminal operator from imposing per diem or detention charges, or demurrage charges, on an intermodal motor carrier relative to transactions involving cargo shipped by intermodal transport under certain circumstances.

DIGEST:

LEGISLATIVE COUNSEL'S DIGEST

SB 45, as introduced, Alarcon. Intermodal marine terminals.

Existing law imposes special regulations on various business activities but does not specifically regulate detention and per diem charges imposed by intermodal terminals on intermodal equipment used by motor carriers.

This bill would prohibit an intermodal marine equipment provider or marine terminal operator

from imposing per diem or detention charges, as defined, or demurrage charges, on an intermodal motor carrier relative to transactions involving cargo shipped by intermodal transport under certain circumstances.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

STATUS:

01/05/2005

INTRODUCED.

01/27/2005

To SENATE Committee on TRANSPORTATION AND HOUSING.

Subject:

Transport

CA SB 53

AUTHOR:

Kehoe (D)

TITLE:

San Diego County Regional Airport Authority

COMMITTEE:

Senate Local Government Committee

HEARING:

02/16/2005 9:30 am

CODE SECTION:

An act to amend Section 170018 of, to add Section 170041 to, and to repeal Sections 170010, 170012, and 170014 of, the Public Utilities Code, relating to the San Diego County Regional Airport Authority.

SUMMARY:

Repeals obsolete provisions pertaining to the interim San Diego County Regional Airport Authority board. Makes a technical corrective change. Amends the San Diego County Regional Airport Act to explicitly restate the applicability of the Ralph M. Brown Act to the Authority.

DIGEST:

LEGISLATIVE COUNSEL'S DIGEST

SB 53, as introduced, Kehoe. San Diego County Regional Airport Authority.

(1) Existing provisions of the San Diego County Regional Airport Authority Act provided for administration of the San Diego County Regional Airport Authority by an interim board with prescribed membership until December 2, 2002.

This bill would repeal obsolete provisions pertaining to that interim board.

(2) Existing law requires the appropriate appointing authority to fill a vacancy on the authority board occurring prior to the expiration of the member's term.

This bill would make a technical corrective change in the language of this provision.

(3) Existing open-meeting requirements of the Ralph M. Brown Act are applicable to all local agencies, including the authority.

This bill would amend the San Diego County Regional Airport Authority Act to explicitly restate the applicability of the Ralph M. Brown Act to the authority.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

STATUS:

01/10/2005

INTRODUCED.

01/27/2005

To SENATE Committee on LOCAL GOVERNMENT.

Subject:

Transport

CA SB 98

AUTHOR:

Murray (D)

TITLE:

Department of Transportation

LOCATION:

Senate Rules Committee

CODE SECTION:

An act to amend Section 91 of the Streets and Highways Code, relating to transportation.

SUMMARY:

Relates to the Department of Transportation responsibility for improving and maintaining the state highways. Makes a nonsubstantive change to that provision.

DIGEST:

LEGISLATIVE COUNSEL'S DIGEST

SB 98, as introduced, Murray. Department of Transportation.

Existing law makes the Department of Transportation responsible for improving and maintaining the state highways.

This bill would make a nonsubstantive change to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

STATUS:

01/14/2005

INTRODUCED.

01/27/2005

To SENATE Committee on RULES.

Subject:

Transport

CA SB 110

AUTHOR:

Florez (D)

TITLE:

Fresno County Transportation Authority

FISCAL COMMITTEE:

no

URGENCY CLAUSE:

no

LOCATION:

SENATE

CODE SECTION:

An act to amend Section 142263 of the Public Utilities Code, relating to transportation.

SUMMARY:

Amends the Fresno Transportation Improvements Act which establishes Fresno County Transportation Authority, which is authorized to impose a sales tax for transportation purposes, subject to voter approval. Requires the language presented to the voters to include the nature of the tax to be imposed, the tax rate or maximum tax rate, the period during which the tax will be imposed, and the purposes for which the revenue from the tax will be used.

DIGEST:

LEGISLATIVE COUNSEL'S DIGEST

SB 110, as introduced, Florez. Fresno County Transportation Authority.

The Fresno Transportation Improvement Act establishes the Fresno County Transportation Authority, which is authorized to impose a sales tax in Fresno County for up to 30 years for transportation purposes, subject to voter approval. Existing law specifies the wording of the proposition to be presented by the board of supervisors to voters in that regard.

This bill would delete the specific language for the proposition, and instead would require the language presented to the voters to include the nature of the tax to be imposed, the tax rate or maximum tax rate, the period during which the tax will be imposed, and the purposes for which the revenue from the tax will be used. The bill would authorize the board of supervisors to designate an agency to place the matter before the voters of Fresno County.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

STATUS:

01/24/2005

INTRODUCED.

Subject:

Transport

CA SB 172

AUTHOR:

Torlakson (D)

TITLE:

Seismic Retrofit Projects

FISCAL COMMITTEE:

yes

URGENCY CLAUSE:

no

LOCATION:

SENATE

CODE SECTION:

An act to amend Section 188.5 of the Streets and Highways Code, relating to transportation.

SUMMARY:

Relates to seismic retrofit of state-owned toll bridges. Requires that reports be submitted within 45 days after the end of each quarter and include a summary to the budget status for support and capital outlay construction costs. Requires specified actions to manage the risks associated with such projects.

DIGEST:

LEGISLATIVE COUNSEL'S DIGEST

SB 172, as introduced, Torlakson. Seismic retrofit projects.

Existing law provides for the seismic retrofit of state-owned toll bridges. Under existing law, the Department of Transportation is required to report quarterly to the Legislature and the California Transportation Commission for each seismic retrofit project.

This bill would require that these reports be submitted within 45 days after the end of each

quarter and include a summary of the budget status for support and capital outlay construction costs. The bill would also require the department to take specified actions to manage the risks associated with the seismic retrofit projects.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

STATUS:

02/09/2005

INTRODUCED.

Subject:

Revenue/Bond, Transport

CA SR 8

AUTHOR:

Torlakson (D)

TITLE:

Transportation and Housing

LOCATION:

Senate Transportation and Housing Committee

CODE SECTION:

Relative to transportation and housing.

SUMMARY:

Declares that the Senate places a high priority during the 2005-06 Regular Session on improving access to housing and reducing traffic congestion by promoting affordable housing, infill development, and other policies that allow people to live closer to their workplaces.

DIGEST:

LEGISLATIVE COUNSEL'S DIGEST

HOUSE OR SENATE RESOLUTIONS DO NOT CONTAIN A DIGEST

Be it resolved by the Senate of the State of California, That the Senate places a high priority during the 2005-06 Regular Session of the Legislature on improving access to housing and reducing traffic congestion by promoting affordable housing, infill development, and other policies that allow people to live closer to their workplaces.

STATUS:

01/11/2005

INTRODUCED.

01/11/2005

To SENATE Committee on RULES.

01/27/2005

Withdrawn from SENATE Committee on RULES.

01/27/2005

To SENATE Committee on TRANSPORTATION AND HOUSING.

Subject:

Housing, Transport
